

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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MONDAY, SEPTEMBER 20, 1999

Crim.	THE PEOPLE	(Not for Publication)
No.	v.	
C030470	VICTOR TERREZ	
	The judgment is affirmed.	
		DAVIS, J.
	We concur: SIMS, Acting P.J.	
	RAYE, J.	

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
MONDAY, SEPTEMBER 20, 1999, CONTINUED**

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Crim. THE PEOPLE (Not for Publication)
No. v.
C030721 LAURIE ELLEN MILLER
The judgment is affirmed.
We concur: SIMS, Acting P.J.
RAYE, J.

DAVIS, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C031789 RAY TOMIMBANG SAMSON
The judgment is affirmed.
We concur: SIMS, Acting P.J.
DAVIS, J.

RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C030792 STEVEN EUGENE SHUMPERT
Appellant's petition for rehearing is denied.
Dated: September 20, 1999 SCOTLAND, P.J.

TUESDAY, SEPTEMBER 21, 1999

At 9:30 a.m., the court met in the Library & Courts Building to begin its regular court session.

PRESENT: SCOTLAND, Presiding Justice
NICHOLSON, Associate Justice
KOLKEY, Associate Justice

Bailiff: Rios
Calendar called.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
TUESDAY, SEPTEMBER 21, 1999, CONTINUED**

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Crim. THE PEOPLE
No. v.
C030843 THE SUPERIOR COURT OF SAN JOAQUIN COUNTY
ANDRE BRADFORD

Cause called. James P. Willett, Assistant District Attorney argued for Petitioner. Julie Hokans, Deputy Attorney appeared on behalf of Petitioner but did not argued. John B. Lauper, County Public Defender argued for Real party in interest. Cause submitted.

Crim. THE PEOPLE
No. v.
C030843 THE SUPERIOR COURT OF SAN JOAQUIN COUNTY
JOSE AZUA

Cause called. James P. Willett, Assistant District Attorney argued for Petitioner. Julie Hokans, Deputy Attorney appeared on behalf of Petitioner but did not argue. John B. Lauper, County Public Defender argued for Real party in interest. Cause submitted.

At 10:05 a.m., the court recessed. At 10:08 a.m., court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Kolkey.

Civil IRELL & MANELLA
No. v.
C029212 THE SUPERIOR COURT OF SACRAMENTO COUNTY
ASSOCIATION OF CALIFORNIA STATE ATTORNEYS, etc.

Cause called. Gregory R. Smith, of Irell & Manella argued for Pettitioner. Laura W. Brill, of Irell & Manella appeared on behalf of Petitioner but did not argue. Steven B. Bassoff, Labor Relations Counsel argued for Defendant-Respondent. Cause submitted.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
TUESDAY, SEPTEMBER 21, 1999, CONTINUED**

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At 10:47 a.m., the court recessed. At 10:51 a.m., court reconvened with Acting Presiding Justice Nicholson, Associate Justice Raye, and Associate Justice Morrison as the panel.

Civil PETER J. CECCHIN
No. v.
C026313 R. J. BARMAN

Cause called. Jason A. Krestoff of Daniel J Sullivan argued for Plaintiff-Appellant. Michael B. Read of Read & Aliotti argued for Defendant-Respondent. Cause submitted.

Court recessed at 11:21 a.m., until 9:30 a.m., Wednesday, September 22, 1999.

Crim. THE PEOPLE
No. v.
C029956 MICHELLE LYN SEEFELDT
BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: September 21, 1999

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029874 BELDEN WAGAR

The judgment is affirmed.

CALLAHAN, J.

We concur: BLEASE, Acting P.J.
RAYE, J.

Civil In re SANDRA T., A Person Coming (Not for Publication)
No. Under the Juvenile Court Law.
C032192 -----

DEPARTMENT OF HEALTH & HUMAN SERVICES

v.
TROY T.

The orders of the juvenile court are affirmed.

BLEASE, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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We concur: SCOTLAND, P. J.
CALLAHAN, J.

Civil CALIFORNIA CASUALTY INDEMNITY EXCHANGE
No. v. (Certified for Publication)
C031512 NELLIE MARY FRERICHS

The judgment is reversed (See Opinion for Details). The parties shall bear their own costs on appeal.

BLEASE, J.

We concur: SCOTLAND, P. J.
RAYE, J.

Civil In re JUANITA L., a Person Coming (Not for Publication)
No. Under the Juvenile Court Law.
C033209 -----

HUMAN SERVICES AGENCY
v.
MELVA L.

No claim of error having been raised by appellant Melva L., the appeal filed July 21, 1999, is dismissed as abandoned. (In re Sade C. (1996) 13 Cal.4th 952, 994.)

Dated: September 21, 1999

SCOTLAND, P. J.

Crim. THE PEOPLE
No. v.
C028959 LONE LUANGRATH
BY THE COURT:

Pursuant to the directions of the order dated September 13, 1999, from the Supreme Court of California, the decision of this court dated February 25, 1999, is vacated.

Dated: September 21, 1999

NICHOLSON, Acting P.J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
TUESDAY, SEPTEMBER 21, 1999 CONTINUED**

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Crim. THE PEOPLE
No. v.
C031612 EVA VALDEZ et al.
Crim. THE PEOPLE
No. v.
C032849 EVA VALDEZ
BY THE COURT:

The motion of appellant Valdez for consolidation of the above cases is granted. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number; however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.

Appellant Valdez's request to deem her opening brief filed in C031612 to be filed as to both of the above is granted. The respondent's brief in C032849 shall be filed on or before October 21, 1999.

Appellant Valdez's request for leave to file a supplemental opening brief in C032849 if additional issues arise is denied as premature.

Dated: September 21, 1999

SCOTLAND, P.J.

WEDNESDAY, SEPTEMBER 22, 1999

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: SIMS, Acting Presiding Justice
MORRISON, Associate Justice
HULL, Associate Justice

Bailiff: Conrad
Calendar called.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
WEDNESDAY, SEPTEMBER 22, 1999 CONTINUED**

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Civil KRISTEN McCABE
No. v.
C028944 SALLY REED, as Director, etc.

Cause called. William S. Dato, of Milberg, Weiss, Bershad, Hynes & Lerach argued for Plaintiff-Appellant. Joseph D. Cohen, of Weiss & Yourman appeared on behalf Plaintiff-Appellant but did not argue. Michael J. Cornez, Deputy Attorney General argued for Defendant-Respondent. Cause submitted.

Civil DAVID MOORE
No. v.
C030547 KATHERINE J. MASSEY et al.

Cause called. Thomas W. Van Alstyne argued for Defendants-Appellants. Guy D. Loranger argued for Plaintiff-Respondent. Cause submitted.

At 10:05 a.m., court recessed. At 10:09 a.m., court reconvened with the same panel except Associate Justice Nicholson in place of Associate Justice Hull.

Civil ANNA JORDAN et al.
No. v.
C028340 DEPARTMENT OF MOTOR VEHICLES et al.

Cause called Michael J. Cornez, Deputy Attorney General argued for Defendants-Appellants. William S. Dato, of Milberg, Weiss, Bershad, Hynes & Lerach argued for Plaintiffs-Appellants. Cause submitted.

Crim. THE PEOPLE
No. v.
C026866 JESUS JESSE ORONA

Cause called. Deanna F. Lamb, court appointed counsel argued for Defendant-Appellant. Matthew L. Cate, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

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We concur: SCOTLAND, P.J.
MORRISON, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
WEDNESDAY, SEPTEMBER 22, 1999 CONTINUED**

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Crim. THE PEOPLE (Not for Publication)
No. v.
C030616 DAVID WILLIAM BERGEY

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.
HULL, J.

Civil Conservatorship of the Person and Estate of KEITH SNOW.
No. BETTY WRIGHT, as Conservator et al.
C033013 v.

KEITH SNOW
BY THE COURT:

Pursuant to the written request of the appellant, the appeal filed June 29, 1999, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)

Dated: September 22, 1999

SCOTLAND, P.J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C030722 ENRIQUE ROBERTO ALMEIDABIFFI

The judgment is affirmed.

SIMS, Acting P.J.

We concur: MORRISON, J.
HULL, J.

Civil MICHAEL J. SINGLETON (Not for Publication)
No. v.
C031910 WILLIAM DEPLITCH et al.

The judgment is affirmed. Defendants shall receive their costs on appeal.

SIMS, J.

We concur: SCOTLAND, P.J.
MORRISON, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
WEDNESDAY, SEPTEMBER 22, 1999 CONTINUED**

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Crim. THE PEOPLE (Certified for Partial Publication)
No. v.
C027725 DARRELL ANDRE ROWLAND

The conviction on count one is affirmed and the convictions on counts two and three are reversed. The case is remanded for resentencing. Following resentencing, the trial court shall correct the abstract of judgment and forward a certified copy of the Department of Corrections. (CERTIFIED FOR PARTIAL PUBLICATION)

HULL, J.

We concur: BLEASE, Acting P.J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029776 JAMES BLAIN CHAPMAN

The judgment is affirmed.

Callahan, j.

We concur: BLEASE, Acting P.J.
RYAE, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029399 TIMOLTHY THOMAS BRANTLEY

The judgment is modified to reflect that defendant was convicted of second degree murder. As modified, the judgment is affirmed, and the matter is remanded for resentencing.

BLEASE, J.

We concur; SCOTLAND, P.J.
HULL, J.

Civil STEVEN J. DOW (Not for Publication)
No. v.
C030475 ALBERT CROMWELL DOTOSN

The judgment is affirmed.

SIMS, J.

We concur: SCOTLAND, P.J.
MORRISON, J.

THURSDAY, SEPTEMBER 23, 1999

Crim. THE PEOPLE

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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No. v.
C029910 JAMES BERTRAM THOMAS
BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: September 23, 1999

SIMS, Acting P.J.

Civil CAMEO JAMES (Not for Publication)

No. v.
C030665 MICHAEL REX FAVARO

Civil CAMEO JAMES

No. v.
C031526 MICHAEL REX FAVARO
THE COURT:

The opinion of this court filed on August 26, 1999, in the above entitled case is modified to substitute the word "James" for the word "Jones" and the word "James's" for the word "Jones's" throughout the opinion. The modification of the opinion effects no change in the judgement.

As modified, the petition for rehearing is denied.

FOR THE COURT:

RAYE, Acting P.J.

CALLAHAN, J.

Crim. THE PEOPLE

No. v.
C028815 JOHNNY RAY WILLS

BY THE COURT:

Appellant's petition for rehearing is denied.

Dated: September 23, 1999

SIMS, Acting P.J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
THURSDAY, SEPTEMBER 23, 1999 CONTINUED**

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Civil PEOPLE UNITED FOR A RESPONSIBLE PUBLIC UTILITY et al.
No. v.
C030823 EL DORADO IRRIGATION DISTRICT
BY THE COURT:

On the court's own motion the appeal filed September 28,
1998, is dismissed as moot.

Dated: September 23, 1999

SCOTLAND, P.J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C031286 DEMECIO BETANCOURT
The judgment is affirmed.

HULL, J.

We concur: SIMS, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027225 BENJAMIN SMITH, JR.
The judgment is affirmed.

DAVIS, J.

We concur: SIMS, Acting P.J.
 HULL, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C031871 MICHAEL WESLEY COLE

The trial is directed to correct the abstract of judgment, to reflect
defendant was convicted of violating Vehicle Code section 23153,
subdivision (a), and to forward a corrected copy of the abstract to the
Department of Corrections.

The judgment is affirmed.

HULL, J.

We concur: SIMS, Acting P.J.
 NICHOLSON, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
THURSDAY, SEPTEMBER 23, 1999 CONTINUED**

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Juvenile In re JACOB S., a Minor Coming Under the Juvenile Court Law.
No. HUMAN SERVICES AGENCY
C030454 v.
 VIRGINIA S.

The orders are affirmed.

DAVIS, J.

We concur: SIMS, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028364 TERRY HJAY MEYERS

The order of commitment is affirmed.

DAVIS, Acting P.J.

We concur; RAYE, J.
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C031463 KEITH JOSEPH MCCANN

The judgment is affirmed.

HULL, J.

We concur: SIMS, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C031683 KEITH DAVIDS WILLIAMS

The judgment is affirmed.

CALLAHAN, J.

We concur: NICHOLSON, Acting P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C031364 JOSHUA ADAM FRITZKE

The judgment is affirmed.

HULL, J.

We concur: SIMS, Acting P.J.
 NICHOLSON, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
FRIDAY, SEPTEMBER 24, 1999**

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At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: SIMS, Acting Presiding Justice
 DAVIS, Associate Justice
 RAYE, Associate Justice

Bailiff: Rios
Cause called.

Civil TERRY EVERSOLE
No. v.
C030724 MARC TWYMAN

Cause called. Terry Anastassiou, of Ropers, Majeski, Kohn & Bentley argued for Defendant-Appellant. G. Dennis Halkides, of Halkides & Morgan argued for Plaintiff-Respondent. John P. Kelley, of Halkides & Morgan appeared on behalf of Plaintiff-Appellant but did not argue. Cause submitted.

Crim. THE PEOPLE
No. v.
C022361 PATRICK FRANCIS CUMMINGS

Cause called. Kim Malcheski, court appointed counsel argued for Defendant-Appellant. Doris A. Calandra, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

Crim. THE PEOPLE
No. v.
C022388 MARK DAMON FOLEY et al.

Cause called. Michael Satris, court appointed counsel argued for Defendant-Appellant Raymond Gladden. Mark Greenberg, court appointed counsel argued for Defendant-Appellant Mark Foley. Cause submitted.

Court recessed at 11:40 a.m., until 9:30 a.m., Monday, September 27, 1999.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
FRIDAY, SEPTEMBER 24, 1999 CONTINUED**

15

Crim. THE PEOPLE (Not for Publication)
No. v.
C027397 CHRIS ALAN GUMPY

Defendant's conviction and sentence for the violation of section 313.1, subdivision (a) are reversed. In all other respects, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment consistent with this decision, and to forward a certified copy thereof to the Department of Corrections.

SCOTLAND, P.J.

We concur: DAVIS, J.
 HULL, J.

Civil LISA KUTCH (Not for Publication)
No. v.
C027415 HERTZ CORPORATION

We reverse the trial court's order precluding plaintiff from amending her complaint to name Hewlett Packard as a Doe defendant. All other orders are affirmed. The matter is remanded for proceedings in accordance with this opinion. Plaintiff shall recover her costs on appeal.

RAYE, J.

We concur: SCOTLAND, P.J.
 CALLAHAN, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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